

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 509

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO HEALTH CARE; CREATING THE CRIME OF OBSTRUCTING  
ACCESS TO A REPRODUCTIVE HEALTH CARE FACILITY; ENACTING THE  
REPRODUCTIVE HEALTH CARE OBSTRUCTION ACT; PROVIDING CRIMINAL  
PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"Reproductive Health Care Obstruction Act".

Section 2. DEFINITIONS.--As used in the Reproductive  
Health Care Obstruction Act:

A. "obstruct" means to physically hinder, restrain,  
impede, hit, shove, grab, kick or otherwise subject a person to  
unconsented to physical contact or the threat of unconsented to  
physical contact; or an attempt to perform any of those acts;

B. "reproductive health care service" means

1 counseling, diagnosis, referral services or examination or  
2 treatment of the human reproductive system and provision of  
3 abortion services;

4 C. "reproductive health facility" means a place at  
5 which licensed, certified or otherwise legally authorized  
6 persons provide reproductive health care services; and

7 D. "sidewalk" means a paved or public way intended  
8 for pedestrian use or street right of way that is located on  
9 periphery of a reproductive health facility.

10 Section 3. OFFENSE. --

11 A. Obstructing access to a reproductive health  
12 facility consists of a person, with the intent to prevent  
13 another person from obtaining or rendering, or assisting in  
14 obtaining or rendering, a reproductive health care service,  
15 who:

16 (1) obstructs another from entering or exiting  
17 a reproductive health facility or the premises on or in which a  
18 reproductive health facility is located;

19 (2) harasses, within fifteen feet of the  
20 property boundary of a reproductive health facility, or the  
21 building or place in which a reproductive health facility is  
22 located, another person who has entered or exited a  
23 reproductive health facility;

24 (3) engages in a course of conduct, within  
25 fifteen feet of the property boundary of a reproductive health

1 facility or the building or place in which a reproductive  
2 health facility is located, that places another person in  
3 reasonable fear of physical harm; or

4 (4) engages in a course of conduct that places  
5 an employee of a reproductive health facility, person legally  
6 authorized to provide reproductive health care services or a  
7 person who seeks reproductive health care services in  
8 reasonable fear of physical harm.

9 B. Nothing in Subsection A of this section applies  
10 to person on a sidewalk near or within the property of a  
11 reproductive health facility.

12 C. A person who commits obstructing access to a  
13 reproductive health facility is guilty of a misdemeanor and  
14 shall be sentenced pursuant to Section 31-19-1 NMSA 1978.

15 Section 4. CONSTRUCTION--OTHER PENALTIES OR REMEDIES--  
16 FIRST AMENDMENT EXPRESSION. --

17 A. No provision of the Reproductive Health Care  
18 Obstruction Act shall be construed or interpreted to limit the  
19 right of a person or entity to seek other available criminal  
20 penalties or civil remedies. The penalties included in that  
21 act are cumulative and not exclusive.

22 B. No provision of the Reproductive Health Care  
23 Obstruction Act shall be construed or interpreted to prohibit  
24 expression protected by the First Amendment of the United  
25 States constitution or Article 2, Section 17 of the

underscoring material = new  
[bracketed material] = delete

1 constitution of New Mexico.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

underscoring = new  
~~[bracketed material]~~ = delete